S.B. CIVIL WRIT PETITION NO.1480/2004
(Smt. Shanti Devi vs. The Municipal Board & Ors.)

Date :: 07.05.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.V.K. Aggarwal, for the petitioner.
Mr.Yashwant Mehta, for the respondents.

Heard learned counsel for the petitioner.

By way of filing present petition, the petitioner is challenging the order dated 03rd September, 2003 passed by the Additional District Judge No.1, Sriganganagar whereby an appeal filed by the respondent No.1 against the order dated 06th September, 2000 passed by Civil Judge (Junior Division), Sriganganagar upon an application filed under Order 39 Rules 1 and 2 read with Section 151 C.P.C. was allowed and the order passed by the trial court was set aside.

This petition is pending against the order dated 03rd September, 2003 since 2004 and no stay was granted by this Court while issuing notices and suit before trial court is at final stage as informed by the parties, therefore, it is not proper to stay the proceedings of the suit.

Since the suit is at final stage before the trial court, therefore, in the interest of justice, this petition is disposed of with the direction to the trial court to expedite the trial of the suit.

{GOPAL KRISHAN VYAS}, J.

A.K. Chouhan/-